

Message Text

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ORIGIN ACDA-12

INFO OCT-01 ARA-10 ISO-00 OES-09 SS-15 L-03 CIAE-00
INR-10 IO-13 NSAE-00 NSC-05 EB-08 NRC-05 SOE-02
DODE-00 DOE-15 SP-02 CEQ-01 /111 R

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-----032126 230330Z /66
R 221636Z JUL 78
FM SECSTATE WASHDC
TO AMEMBASSY LA PAZ

C O N F I D E N T I A L STATE 185944

E.O. 11652: GDS

TAGS: ENRG, MNUC, TECH, PARM, BL

SUBJECT: US/BOLVIAN AGREEMENT FOR PEACEFUL NUCLEAR
COOPERATION

REF: (A) STATE 93306; (B) STATE 117991; (C) STATE 149913;
(D) LA PAZ 4769

1. IN RESPONSE TO QUESTIONS REFTEL (D), EMBASSY SHOULD
DRAW ON FOLLOWING INFORMATION IN DISCUSSING PEACEFUL NUCLEAR
COOPERATION WITH APPROPRIATE GOB OFFICIAL.

(A) ONCE AN AGREEMENT IS COMPLETED AND SAFEGUARDS APPLIED,
THERE ARE VARIOUS FORMS OF ASSISTANCE THROUGH THE IAEA FOR
WHICH BOLIVIA AS AN NPT PARTY AND AS A PARTY TO THE TREATY
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OF TLATELOLCO WOULD BE ELIGIBLE. GENERALLY SPEAKING, AID
OF ECONOMIC VALUE IS THROUGH THE IAEA. FYI: IT IS UNLIKELY
THAT THE US WOULD FINANCE A RESEARCH REACTOR FOR BOLIVIA
THROUGH ANY CHANNEL ALTHOUGH THE GOB MIGHT RECEIVE OTHER
BENEFICIAL ASSISTANCE FOR THE RESEARCH REACTOR PROJECT
THROUGH THE IAEA.

(B) ARTIC-E 10 OF THE DRAFT AGREEMENT WOULD NOT PROVIDE FOR US INSPECTION OF ANY MATERIAL OR EQUIPMENT PROVIDED TO BOLIVIA SOLELY BY ANOTHER COUNTRY. ARTICLE 10 IS INTENDED TO RECOGNIZE THE POSSIBILITY OF OVERLAP OF CONTROLS WHERE MORE THAN ONE SUPPLIER IS INVOLVED, E.G., WHERE ANOTHER SUPPLIER FURNISHES THE FUEL FOR A US SUPPLIED REACTOR. IT CONTEMPLATES THAT IN SUCH CASES, TO AVOID DUPLICATION OF CONTROLS THE US, THE RECIPIENT NATION AND THE OTHER SUPPLIER MAY AGREE THAT THE US COULD EXERCISE SUCH OTHER SUPPLIER'S RIGHTS. ANY AGREEMENT BY THE US TO HAVE ANY OF ITS RIGHTS UNDER ARTICLES 5, 6, AND 7 EXERCISED BY ANOTHER SUPPLIER WOULD HAVE TO BE CONSISTENT WITH THE REQUIREMENTS CONTAINED IN THE ATOMIC ENERGY ACT. UNDER ARTICLE 9, THERE ARE SAFEGUARDS INSPECTION RIGHTS WHICH COULD EXTEND TO EQUIPMENT PROVIDED BY ANOTHER COUNTRY IF IF WERE TO CONTAIN US-SUPPLIED OR DERIVED MATERIAL. THESE SAFEGUARDS RIGHTS WILL BE SUSPENDED UNDER PARAGRAPH 4 OF ARTICLE ; TO THE EXTENT THAT THE US AGREES THAT THE NEED TO EXERCISE SUCH RIGHTS IS BEING SATISFIED BY THE APPLICATION OF IAEA SAFEGUARDS.

(C) THE TERM OF THE AGREEMENT FOR COOPERATION IS SUBJECT TO NEGOTIATION. PARAGRAPH 2 OF ARTICLE 14 PROVIDES, HOWEVER, THAT REGARDLESS OF WHEN THE AGREEMENT EXPIRES, OR IF IT IS TERMINATED OR SUSPENDED, THE OBLIGATIONS UNDER ARTICLES 5 THROUGH 9 CONTINUE INDEFINITELY AS PROVIDED
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IN THAT PARAGRAPH.

2. IN RESPONSE TO PARAGRAPH 4, REFTTEL (D), IN CONTINUING NEGOTIATING PROCESS, GOB SHOULD BE ENCOURAGED TO ANALYZE THE AGREEMENT AND ASK ANY QUESTION THEY MIGHT HAVE. HOWEVER, BEFORE AN AGREEMENT COULD BE CONCLUDED, IT WOULD BE NECESSARY FOR BOLIVIA TO HAVE ITS IAEA SAFEGUARDS AGREEMENT IN EFFECT. VANCE

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 jan 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: NUCLEAR AGREEMENTS, NUCLEAR COOPERATION PROGRAMS
Control Number: n/a
Copy: SINGLE
Draft Date: 22 jul 1978
Decaption Date: 01 jan 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 20 Mar 2014
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1978STATE185944
Document Source: CORE
Document Unique ID: 00
Drafter: L.WATSON
Enclosure: n/a
Executive Order: GS
Errors: N/A
Expiration:
Film Number: D780302-0831
Format: TEL
From: STATE
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1978/newtext/t19780730/aaaaayvm.tel
Line Count: 102
Litigation Code IDs:
Litigation Codes:
Litigation History:
Locator: TEXT ON-LINE, ON MICROFILM
Message ID: c09c8a6e-c288-dd11-92da-001cc4696bcc
Office: ORIGIN ACDA
Original Classification: CONFIDENTIAL
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 2
Previous Channel Indicators: n/a
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: n/a
Reference: 78 STATE 93306, 78 STATE 117991, 78 STATE 149913, 78 LA PAZ 4769
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 05 jul 2005
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 1916416
Secure: OPEN
Status: NATIVE
Subject: US/BOLVIAN AGREEMENT FOR PEACEFUL NUCLEAR COOPERATION
TAGS: ENRG, MNUC, TECH, PARM, BL, US
To: LA PAZ
Type: TE
vdkgvwkey: odb://SAS/SAS.dbo.SAS_Docs/c09c8a6e-c288-dd11-92da-001cc4696bcc
Review Markings:
Sheryl P. Walter
Declassified/Released
US Department of State
EO Systematic Review
20 Mar 2014
Markings: Sheryl P. Walter Declassified/Released US Department of State EO Systematic Review 20 Mar 2014